

**PROCEEDINGS OF THE COMMON COUNCIL OF
THE CITY OF RICHMOND, INDIANA,
MONDAY, SEPTEMBER 15, 2008**

The Common Council of the City of Richmond, Indiana met in regular session Monday, September 15, 2008 in the Council Chambers in said City.

PLEDGE OF ALLEGIANCE

PRAYER BY COUNCILOR MILLER

President Parker presided and the following business was conducted:

ROLL CALL

Councilors present were Howard "Jack" Elstro, Kelley Cruse-Nicholson, Bruce Wissel, Clay Miller, Bing Welch, Larry Parker, Robert Goodwin, Diana Pappin and Phil Quinn.

APPROVAL OF MINUTES

Councilor Pappin moved to approve the Memorandum of Proceedings of the Committee of the Whole on August 26 & 27, 2008 and Minutes of the regular meeting of September 2, 2008, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

**PRESENTATIONS, MEMORIALS OR REMONSTRANCES, PETITIONS AND INTRODUCTIONS,
MOTIONS, RESOLUTIONS**

None

COMMUNICATION FROM THE MAYOR

- Many thanks to all the City Departments who responded and worked diligently during the recent wind storm.
- Fall Clean-up has been postponed one week. All debris should be ready for pick up on Monday of each week. The schedule will be in the newspaper and on the radio.
- Trip to Japan went well. Our Sister City was invited to Richmond next year to sign a new agreement.
- Over 700 young people were participants in the Kidsfest Parade on Saturday.

REPORT FROM BOARD OF PUBLIC WORKS AND SAFETY

Minutes of the August 28 and September 4, 2008 meetings were accepted as presented.

**REPORTS FROM DEPARTMENT HEADS, STANDING COMMITTEES, SPECIAL COMMITTEES
and/or ORGANIZATIONS**

None

MISCELLANEOUS BUSINESS

- Several government students from Richmond High School were in attendance.
- Councilor Welch recognized Rett and Tony Foster who are being honored as "Angels in Adoption". The Fosters adopted twin sisters from China, Abby and Laney.

ORDINANCES ON FIRST READING

Councilor Elstro moved to suspend the rules and read Ordinance Nos. 70 & 71-2008 on first reading by title only, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

ORDINANCE NO. 70-2008 – AN APPROPRIATION ORDINANCE AUTHORIZING THE SUBMITTAL, ACCEPTANCE AND APPROPRIATION OF A GRANT FROM THE WAYNE COUNTY FOUNDATION (Clerk)

The Clerk read Ordinance No. 70-2008 on first reading by title only.

Presented by Karen Chasteen, City Clerk, this Ordinance would authorize the City Clerk to submit a grant application and to accept said grant funding in an amount up to Six Thousand Four Hundred and Twenty Five Dollars. If awarded, this grant shall be appropriated to fund the archival of historic documents, i.e., the City Charter and Ordinance Book "A", Common Council Minute Book Volume 1 and the Board of Public Works and Safety Minute Book Volume 1. No match is required.

Councilor Wissel moved to advance Ordinance No. 70-2008 to second reading and to suspend the rules and read by title only, supported by Councilor Miler. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 70-2008 on second reading by title only.

Council President Parker declared Ordinance No. 70-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Cruse-Nicholson moved for engrossment of Ordinance No. 70-2008, supported by Councilor Elstro. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 70-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Elstro. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 70-2008 on third reading by title only.

Ordinance No. 70-2008 was adopted with a 9-0 roll call vote

ORDINANCE NO. 71-2008 – AN APPROPRIATION ORDINANCE AMENDING THER 2008 BUDGET (RFD)

The Clerk read Ordinance No. 71-2008 on first reading by title only.

Presented by Mike Crawley, Fire Chief, this ordinance would allow the transfer of funds from various line items to increase the available funds for the purchase of Diesel fuel and Gasoline.

Councilor Welch moved to advance Ordinance No. 71-2008 to second reading and to suspend the rules and read by title only, supported by Councilor Cruse-Nicholson. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 71-2008 on second reading by title only.

Council President Parker declared Ordinance No. 71-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 71-2008, supported by Councilor Cruse-Nicholson. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 71-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Elstro. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 71-2008 on third reading by title only.

Ordinance No. 71-2008 was adopted with a 9-0 roll call vote

ORDINANCES ON SECOND READING

ORDINANCE NO. 53-2008 - AN APPROPRIATION ORDINANCE TO BE KNOWN AS THE 2009 BUDGET

The Clerk read Ordinance No. 53-2008 on second reading by title only.

This Ordinance includes Budget Form 4-A which is the 2009 Budget.

Council President Parker declared Ordinance No. 53-2008 on second reading and public hearing. There were no comments for the Ordinance. Speaking in opposition were Douglas Gardner, 2nd Vice President of Firefighters Local No. 1408; Shawn Staton, President of Firefighters Local No. 1408; Stan Van Ausdal, Avon Lane, Richmond and Scott Bell, Pastor, Central Methodist Church.

Ordinance No. 53-2008 was held on second reading until a special meeting for adoption on September 29.

ORDINANCE NO. 54-2008 – AN APPROPRIATION ORDINANCE FIXING THE ANNUAL COMPENSATION OF ALL ELECTED CITY OFFICERS FOR 2009

The Clerk read Ordinance No. 54-2008 as amended on second reading by title only.

Presented by City Controller, Tammy Glenn, this Ordinance establishes the annual compensation of all elected city officers for 2009. Ordinance No. 54-2008 was amended to reflect an increase of 3% for salaries paid by Richmond Power and Light for the Board Members to coincide with raises to be received by all employees of RP&L.

Ordinance No. 54-2008 was held on second reading until October 6, 2008. Due to advertising requirements, Ordinance No. 54-2008 cannot be adopted earlier than October 20, 2008.

ORDINANCE NO. 55-2008 – AN APPROPRIATION ORDINANCE TO BE KNOWN AS THE 2009 SALARY ORDINANCE

The Clerk read Ordinance No. 55-2008 on second reading by title only.

This Ordinance fixes the compensation for civilian employees for 2009.

Council President Parker declared Ordinance No. 55-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Cruse-Nicholson moved for engrossment of Ordinance No. 55-2008, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

Councilor Welch moved to advance Ordinance No. 55-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Quinn. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 55-2008 on third reading by title only.

Ordinance No. 55-2008 was adopted with a 9-0 roll call vote

ORDINANCE NO. 61-2008 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM A-1, AGRICULTURAL DISTRICT, TO A-1, SPECIAL USE (3361 SR 227)

The Clerk read Ordinance No. 61-2008 on second reading by title only.

Presented by Councilor Wissel, this Ordinance is a petition to rezone a portion of the property at 3361 State Road 227 from A-1 Agriculture District to A-1 Agriculture Special Use District in order to allow the owner to develop a large animal (equine) veterinary clinic. At the August 28, 2008 meeting, the Planning staff recommended approval with the following commitments:

- The parking area and front drive are the only areas that must be paved;
- Final storm water drainage must be approved by the Department of Public works and Engineering;
- Landscaping will be installed within 6 months of certificate of occupancy;
- Use of the site will be limited to equine services only;
- Any change of business plan that alters the nature of the business, particularly in regard to customer traffic, would require an amendment to the rezoning ordinance.
- Per IC 36-7-4-921 a commitment is binding on: The owner of the parcel; a subsequent owner of the parcel; and a person who acquires an interest in the parcel.

In the event that any of the aforementioned restrictions or requirements of the Richmond City code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Council President Parker declared Ordinance No. 61-2008 on second reading and public hearing. Speaking in favor was Gordon Moore, project engineer, and Lance Alexander, petitioner. There being no comments against the Ordinance, Councilor Welch moved for engrossment of Ordinance No. 61-2008, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

Councilor Wissel moved to advance Ordinance No. 61-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 61-2008 on third reading by title only.

Ordinance No. 61-2008 was adopted with a 9-0 roll call vote

ORDINANCE NO. 62-2008 – A SPECIAL ORDINANCE VACATING A UTILITY EASEMENT (2510 Chester Blvd)

The Clerk read Ordinance No. 62-2008 on second reading by title only.

Presented by Councilor Wissel, this Ordinance is a petition to vacate a utility easement at 2510 Chester Boulevard in order to allow for the development of a new Speedway convenience store and gas station. Special Use rezoning was approved for the site by City Council under Ordinance No. 15-2007. The existing utility easement was discovered in the course of title searches and further preparation of site plans. The Richmond Advisory Plan Commission voted to recommend approval at the August 28, 2008 meeting.

Council President Parker declared Ordinance No. 62-2008 on second reading and public hearing. Speaking in favor was Phil Nicely. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 62-2008, supported by Councilor Welch. Upon a vote viva voce, the motion passed.

Councilor Welch moved to advance Ordinance No. 62-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Pappin. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 62-2008 on third reading by title only.

Ordinance No. 62-2008 was adopted with a 9-0 roll call vote

ORDINANCE NO. 63-2008 – A SPECIAL ORDINANCE AUTHORIZING THE APPROVAL OF A STATEMENT OF BENEFITS FOR A PROPERTY OWNER APPLYING FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1 (Optical Disc Solutions)

The Clerk read Ordinance No. 63-2008 on second reading by title only.

Presented by Councilor Miller, this Ordinance is a request of Optical Disc Solutions for a ten-year tax abatement for equipment valued at \$760,000. The Tax Abatement Committee recommended approval.

Council President Parker declared Ordinance No. 63-2008 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Miller moved for engrossment of Ordinance No. 63-2008, supported by Councilor Cruse-Nicholson. Upon a vote viva voce, the motion passed.

Councilor Welch moved to advance Ordinance No. 63-2008 to third and final reading and suspend the rules and read by title only, supported by Councilor Miller. Upon a vote viva voce, the motion passed.

The Clerk read Ordinance No. 63-2008 on third reading by title only.

Ordinance No. 63-2008 was adopted with a 9-0 roll call vote

ORDINANCES ON THIRD READING

None

CALL FOR ADJOURNMENT

There being no further business, on a motion duly made, seconded and passed, the meeting was adjourned.

S/S Larry Parker
Larry Parker, President

ATTEST: S/S Karen Chasteen
Karen Chasteen, City Clerk